

HAS

7931 Woodway
Houston, Texas 77042
January 29, 1976

RE: NPDES
Permit No. TX0004910

11-24-75

Mr. John C. White, Regional Administrator *dy*
U.S. Environmental Protection Agency
ATTN: Ms. Gwendolyn Gates
Permits & Support Branch (6AEP)
Region VI, 1600 Patterson, Suite 1100
Dallas, Texas 75201

Dear Mr. White:

The Houston Audubon Society supports the analysis of the National Oceanic and Atmospheric Administration, National Marine Fisheries Service, as stated in its letter to you dated January 15, 1976 regarding issuance of the above permit.

We have and will continue to request denial of permits which do not provide for conditions which insure West Bay and adjacent areas of the Galveston Bay System. We urge enforcement of compliance with the recommendations of the NMFS noted in the above dated letter.

In particular we are concerned with the specific requirements regulating discharge and seepage into the adjacent wetlands and waters. We urge compliance for preservation of the area.

In this area are located wildlife sanctuaries, Federal and State, national and local. The largest rookery in the Galveston Bay Area on North Deer Island lies close by. Matagorda Wildlife Refuge is about equidistant southwest along the coast.

We do appreciate your concern in the issuance of this permit.

Sincerely,

Betty W. Gromatzky

Betty Weinert Gromatzky
Conservation Chairperson

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October 23, 1978

Lee H. Mathews, Chief Hearings Examiner
Texas Water Commission
Texas Dept. of Water Resources
1700 N. Congress Avenue
Austin, Texas 78711

Re: PERMIT AMENDMENT No. 01221 BY MCGINNES INDUSTRIAL
MAINTAINANCE CORPORATION

A letter of PROTEST for inclusion in the record of the
Public Hearing of October 31, 1978. Requesting DENIAL of
this permit.

The Houston Audubon Society continues and sustains its
fundamental objection to this toxic sludge dumping project
with its overt destruction of important Gulf Coast wetlands.

The Society previously objected to NPDES Permit No. TX0004910
on January 29, 1978. (Copy enclosed)

This current proposed application involves further piecemeal
mechanical destruction of valuable wetlands and potential
more extensive compromise of wetlands and bays by toxic
chemical contamination.

The Houston Audubon Society holds that no waste dumping
should be made on, or in, any wetland without comprehensive
repeated analysis and monitoring of the waste for toxic
materials, either in the original waste or arising by
interactions within the waste. Such analysis data is not
publically available for the proposed toxic wastes for these
sludge pits.

The Houston Audubon Society further holds that no wastes
classed as I or II should be permitted to be placed:

- 1) On coastal wetlands.
- 2) In any place below the highest recorded water table
level. (Deep injection wells excluded)
- 3) In any site potentially inundatable by storm surge
or erodable by hurricane storm waters.

The proposed site meets none of the above 3 criteria for
public health and welfare necessary to protect the marine
and brackish water ecosystems of this very valuable and
productive marsh and/or prevention of water quality degrad-
ation.

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Monitoring water wells outside the toxic sludge dump are an inadequate protection for problems which come to light only after toxic materials have escaped and adverse impacts developed which will then in all probability continue. Further, they provide no protection against storm surge overtopping or erosion of containment levees and release of the toxic sludge.

The present application fails to meet 5 of the 6 criteria set out in the Texas Department of Water Resources: Tech. Guide No. 2 - 3/1/78 - "Site Selection & Evaluation". It also fails to meet several criteria of the Tech. Guide No. 3 - "Landfills"; No. 4 - "Ponds & Lagoons"; No. 9 - "Non-compatible Wastes."

Furthermore, the presumption that the sludge to be received by the proposed sludge pits is Class II is unreasonable. It is not the sludge from normal municipal sewage treatment plants. The wastewater streams received by the Gulf Coast Waste Disposal (G.W.D.) plant from which the sludge to be dumped in this proposed project derives is from several industrial plants whose chemical inventories, products and intermediates, accidents and spillages and changes in activities are not required to be reported to Tx.D.W.R. Thus knowledge of chemicals potentially entering the sludge coming to this projected dump are unknown and potentially variable in toxic chemical contents. The G.W.D. system was developed because local municipal plants could not handle these industrial waste streams and runoff. The fact that the contents of the waste streams do not destroy the biodegradation system is no proof that chemicals toxic to the relatively delicate marine and bay ecosystems are not in the sludge to be dumped and further ignores the common finding that heavy metals and toxic chemicals adsorb and concentrate on particulate matter.

For these reasons, the T.D.W.R. must regularly measure the content of sludges from industrial waste disposal plants for heavy metals, halogenated hydrocarbons and insecticides and toxic insecticide derivatives as a minimum obligation before the sludges are dumped.

This project appears to be part of an overall plan to develop an area of higher land on a prime nursery wetland with an access canal for future industrial plant sites whose adverse impact on the local water quality must be considered as secondary impact of this project. Such plant construction will re-expose interred toxic chemicals.

The Houston Audubon Society's interest lies in the public lands, marshes and water resources and ecosystems of the Upper Gulf Coast.

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For these stated reasons, the Houston Audubon Society objects to these proposed projects and continuance and recommends denial of the amended permit. In addition, recommends that any further sludge dumping in the established pits be rapidly terminated and the areas be covered with suitable materials from the Corps of Engineers dredging activities. Also HAS recommends protective levees be built at owners expense around this established sludge pit and dump system.

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Sincerely,

Bruce McCandless by H. On

Bruce McCandless

President